



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,792	06/28/2001	Mikko Kanerva	930.333USW1	7109
32294	7590	11/20/2008	EXAMINER	
SQUIRE, SANDERS & DEMPSEY L.L.P. 8000 TOWERS CRESCENT DRIVE 14TH FLOOR VIENNA, VA 22182-6212			DANIEL JR, WILLIE J	
			ART UNIT	PAPER NUMBER
			2617	
			MAIL DATE	DELIVERY MODE
			11/20/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

<b>Application No.</b> 09/893,792	<b>Applicant(s)</b> KANERVA, MIKKO	
<b>Examiner</b> WILLIE J. DANIEL JR	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1)  Responsive to communication(s) filed on 24 July 2008.
- 2a)  This action is **FINAL**.
- 2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4)  Claim(s) 24,45 and 47-72 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 24,45 and 47-72 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5)  Notice of Informal Patent Application
- 6)  Other: \_\_\_\_\_.

### DETAILED ACTION

1. This action is in response to applicant's amendment filed on 24 July 2008. **Claims 24, 45,** and **47-72** are now pending in the present application and **claims 1-23, 25-44,** and **46** are canceled. This office action is made **Final**.

#### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

**Claims 71-72** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

- a. **Claims 71-72** included the limitation "...computer program...computer-readable medium...program configured to control a processor..." as recited in line(s) 1-2 of claim 71.

Regarding **claims 71-72**, the claim(s) include(s) a limitation that is not supported by the instant application as originally filed. The applicant on pg. 10, 2<sup>nd</sup> full par., of remarks section states, "...support...found at least on page 4, lines 13-16..." as a cited area of support for the newly claimed limitations. Upon reviewing the cited area and full description, the cited area does not support or convey the newly claimed limitations. The applicant is advised

Art Unit: 2617

to review the subject matter of the specification (see par. bridging pgs. 3-4; pg. 4, 1<sup>st</sup> full par.; par. bridging pgs. 8-9; pg. 9, 1<sup>st</sup> full par.; pg. 10, 2<sup>nd</sup> full par.), which basically describes a register that stores location information of a mobile station that is retrieved by a processor (see pg. 8, 3<sup>rd</sup> full par.). In the specification, there is no language that clearly define or set forth as to **what constitutes** said "...computer **program**...computer-readable **medium**...program configured to control a processor...". Applicant is advised to clearly and concisely provide claim language that is consistent and correlates to the specification and mindful not to improperly utilized language that is clearly not supported. The Examiner respectfully requests the applicant to provide page(s), line(s), and figure(s) of the instant application that supports the limitation of the claim(s) and/or any supportive comment(s) to help clarify and resolve this issue(s).

3. Due to the 112 rejection of the current claim language, the Examiner has given a reasonable interpretation of said language and the claims are rejected as broadest and best interpreted. In addition, applicant is welcomed to point out where in the specification the Examiner can find support for this language if Applicant believes otherwise.
4. This list of examples is not intended to be exhaustive. The Examiner respectfully requests the applicant to review all claims and clarify the issues as listed above as well as any other issue(s) that are not listed.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 24, 45, 47-55, 62, and 71-72** are rejected under 35 U.S.C. 102(b) as being anticipated by **Neubauer et al.** (hereinafter Neubauer) (**US 5,953,673**).

Regarding **claims 24, 45, and 47**, Neubauer discloses a method and system (see Fig. 1) comprising:

a telecommunication network (see Fig. 1);

a calling subscriber (SA, SA') which reads on the claimed "first station" (see col. 5, lines 39-45; Fig. 1);

a plurality of called mobile target subscriber (SB) which reads on the claimed "second stations" (see col. 5, lines 58-64; Fig. 1);

wherein the first station (SA, SA') is configured to request a connection with at least one of said plurality of second stations (SB), said connection request comprising a location criteria to be satisfied by at least one second station (SB) (see col. 5, lines 53-58; col. 9, lines 59-62; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23),

wherein the telecommunication network comprises at least one store configured to store location information for at least some of said second stations and a selector configured to select at least one of the second stations for connection when said connection request is received in dependence on the location information stored in the store and the location

Art Unit: 2617

criteria in the received connection request (see col. 9, lines 5-19,59-62; col. 5, lines 53-58; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23; col. 5, line 39 - col. 11, line 35),

wherein the telecommunications system is further configured to connect the first station to the at least one second station selected by the selector (see col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claim 48**, Neubauer discloses a method comprising:

transmitting a request for a connection with one of a plurality of stations, the request comprising a location criteria to be satisfied by at least one of the stations (see col. 9, lines 5-19,59-62; col. 5, lines 53-58; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23; col. 5, line 39 - col. 11, line 35);

storing location information for the stations in a register (see col. 7, lines 18-23; col. 9, lines 11-23; col. 8, lines 56-64); and

selecting at least one of the stations for the connection based on the location information stored in the register and the location criteria (see col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claim 49**, Neubauer discloses the method as claimed in claim 48, further comprising attempting to initiate a connection with any of the stations satisfying the location criteria (see col. 5, lines 53-64; col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claim 50**, Neubauer discloses the method as claimed in claim 48, further comprising initiating a connection with a station satisfying the location criteria and falling in a predetermined group (see col. 9, lines 56-62; col. 10, lines 54-63).

Art Unit: 2617

Regarding **claim 51**, Neubauer discloses the method as claimed in claim 48, further comprising receiving information as to which of the stations satisfy the location criteria (see col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claim 52**, Neubauer discloses the method as claimed in claim 51, further comprising selecting at least one of the stations based on said information (see col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claim 53**, Neubauer discloses the method as claimed in claim 48, further comprising defining an order in which connections to the stations satisfying the location criteria are to be attempted (see col. 9, lines 56-62; col. 10, lines 54-63), where the system selects a target station in the order of closest according to requirements/aspects such as locational, temporal, hierarchical, and/or cyclical.

Regarding **claim 54**, Neubauer discloses the method as claimed in claim 48, further comprising attempting connections to the stations satisfying the location criteria randomly (see col. 9, lines 56-62; col. 10, lines 54-63), where the system selects a target station in which randomly would be inherent as evidenced by the fact that one of ordinary skill in the art would clearly recognize.

Regarding **claim 55**, Neubauer discloses an apparatus comprising:  
a transmitter configured to transmit a request for a connection with one of a plurality of stations, the request comprising a location criteria to be satisfied by at least one of the stations (see col. 9, lines 5-19,59-62; col. 5, lines 53-58; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23; col. 5, line 39 - col. 11, line 35);

Art Unit: 2617

a register configured to store location information for the stations (see col. 7, lines 18-23; col. 9, lines 11-23; col. 8, lines 56-64); and

a selector configured to select at least one of the stations for the connection based on the location information stored in the register and the location criteria (see col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claim 62**, Neubauer discloses an apparatus comprising:

transmitting means for transmitting a request for a connection with one of a plurality of stations, the request comprising a location criteria to be satisfied by at least one of the stations (see col. 9, lines 5-19,59-62; col. 5, lines 53-58; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23; col. 5, line 39 - col. 11, line 35);

storing means for storing location information for the stations (see col. 7, lines 18-23; col. 9, lines 11-23; col. 8, lines 56-64); and

selecting means for selecting at least one of the stations for the connection based on the location information stored in the register and the location criteria (see col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claim 71**, Neubauer discloses a computer program, embodied on a computer-readable medium, the computer program configured to control a processor to perform a method (see col. 5, lines 39-45,58-64; col. 2, lines Fig. 1), the method comprising:

defining, at a first station of a telecommunication network, a location criteria to be satisfied by at least one second station (see col. 5, lines 5-11,39-45,58-64; Fig. 1);



Art Unit: 2617

requesting a connection with at least one second station satisfying said location criteria (see col. 5, lines 5-11,53-58; col. 9, lines 59-62; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23);

selecting at least one of the second stations for connection, when said connection request is received, based on stored location information and the location criteria in the received connection request (see col. 5, lines 5-11,53-58; col. 9, lines 59-62; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23); and

establishing a connection between said first station and said at least one second station satisfying said location criteria (see col. 9, lines 56-62; col. 10, lines 54-63).

Regarding **claim 72**, Neubauer discloses a computer program, embodied on a computer-readable medium, the computer program configured to control a processor to perform a method (see col. 5, lines 39-45,58-64; col. 2, lines Fig. 1), the method comprising:

transmitting a request for a connection with one of a plurality of stations, the request comprising a location criteria to be satisfied by at least one of the stations (see col. 9, lines 5-19,59-62; col. 5, lines 5-11,53-58; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23; col. 5, line 39 - col. 11, line 35);

storing location information for the stations in a register (see col. 7, lines 18-23; col. 9, lines 11-23; col. 8, lines 56-64); and

selecting at least one of the stations for the connection based on the location information stored in the register and the location criteria (see col. 9, lines 56-62; col. 10, lines 54-63).

Art Unit: 2617

**Claims 24, 45, 47-52, 54-67, and 69-72** are rejected under 35 U.S.C. 102(b) as being anticipated by **Tognazzini (EP 0810803 A2)**.

Regarding **claim 24**, Tognazzini discloses a system (e.g., cellular system 1000) (see col. 11, lines 16-24; Figs. 10 and 11) comprising:

a telecommunication network (e.g., cellular system 1000) (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10 and 12);

a originating station (1010; calling station) which reads on the claimed “first station” (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10 and 12);

a plurality of recipient station (1020, 1030, 1040; called station) which reads on the claimed “second stations” (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10 and 12);

wherein the first station (1010) is configured to query which reads on the claimed “request” a connection with at least one of said plurality of second stations (1020, 1030, 1040) (see col. 3, lines 6-13; col. 11, lines 16-24; Figs. 10 and 12),

said connection request comprising a location criteria to be satisfied by at least one second station (1020) (see col. 3, lines 43-52; Fig. 5),

wherein the telecommunication network (1000) comprises at least one store (e.g., database) configured to store location information for at least some of said second stations (see col. 3, lines 36-42; col. 3, line 50 - col. 4, line 8; Fig. 10), where the cellular network (1000) keeps track of mobile stations within communication range, and

a selector configured to select at least one of the second stations (1020) for connection when said connection request is received in dependence on the location information stored in the store and the location criteria in the received connection request (see col. 13, lines 12-42;

Art Unit: 2617

col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-24; col. 6, line 34 - col. 17, line 28; Figs. 10 and 12), and

wherein the telecommunications system is further configured to connect the first station to the at least one second station selected by the selector (see col. 11, lines 16-24; col. 13, lines 12-42; Figs. 7, 9-10, and 12), where a particular station can be selected by touching the icon on the screen that represents the particular station on a map display.

Regarding **claim 45**, Tognazzini discloses a method (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10-12), where the cellular system (1000) establishes communication between a calling station (1010; originator) and called station (1020, 1030, 1040; recipient), comprising:

defining, at a first station (1010) of a telecommunication network (e.g., cellular system 1000), a location criteria to be satisfied by at least one second station (1020) (see col. 3, lines 36-42);

requesting (e.g., query) a connection with at least one second station satisfying said location criteria (see col. 3, lines 6-13; col. 11, lines 16-24; Figs. 10 and 12), where the calling station sends query to connect with a called station;

selecting at least one of said second stations for connection, when said connection request is received, based on stored location information and the location criteria in the received connection request (see col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-56; col. 13, lines 12-42; col. 6, line 34 - col. 17, line 28; Figs. 7 and 9-12), where a particular station can be selected by touching the icon on the screen that represents the particular station on a map display; and

Art Unit: 2617

establishing a connection between said first station and said at least one second station satisfying said location criteria (see col. 13, lines 13-42; Fig. 10-11).

Regarding **claim 47**, Tognazzini discloses a system (e.g., cellular system 1000) comprising:

a telecommunication network (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10-12);

a originating station (1010; calling station) which reads on the claimed “first station” (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10-12);

a plurality of recipient station (1020, 1030, 1040; called station) which reads on the claimed “second stations” (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10-12);

defining means for defining at the first station (1010) a location criteria to be satisfied by at least one second station (1020) (see col. 3, lines 36-42);

requesting means for requesting (e.g., query) a connection with at least one second station satisfying said criteria (see col. 3, lines 6-13; col. 11, lines 16-24; Figs. 10 and 12), where the calling station sends query to connect with a called station;

selecting means for selecting at least one of the second stations for connection when said connection request is received in dependence on stored location information and the location criteria in the received connection request (see col. 3, lines col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-56; col. 13, lines 12-42; col. 6, line 34 - col. 17, line 28; Figs. 7 and 9-12), where a particular station can be selected by touching the icon on the screen that represents the particular station on a map display; and

establishing means for establishing a connection between said first station and said at least one second station satisfying said location criteria (see col. 13, lines 13-42; Fig. 10-11).

Regarding **claim 48**, Tognazzini discloses a method comprising:

transmitting a request for a connection with one of a plurality of stations, the request comprising a location criteria to be satisfied by at least one of the stations (see col. 3, lines 6-13, 43-52; col. 11, lines 16-24; Figs. 5, 10, and 12);

storing location information for the stations in a register (see col. 3, lines 36-42; col. 3, line 50 - col. 4, line 8; col. 4, lines 18-28; Fig. 10), where the cellular network (1000) keeps track of mobile stations within communication range; and

selecting at least one of the stations for the connection based on the location information stored in the register and the location criteria (see col. 13, lines 12-42; col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-24; col. 6, line 34 - col. 17, line 28; Figs. 10 and 12).

Regarding **claim 49**, Tognazzini discloses the method as claimed in claim 48, further comprising attempting to initiate a connection with any of the stations (1020) satisfying the location criteria (see col. 11, lines 16-56; col. 3, lines 44-52).

Regarding **claim 50**, Tognazzini discloses the method as claimed in claim 48, further comprising initiating a connection with a station satisfying the location criteria and falling in a predetermined group (see col. 11, lines 16-56; col. 3, lines 44-52; col. 13, lines 12-22; Fig. 15).

Regarding **claim 51**, Tognazzini discloses the method as claimed in claim 48, further comprising receiving information as to which of the stations satisfy the location criteria (see col. 13, lines 12-22; col. 13, line 50 - col. 4, line 4; col. 16, lines 30-35; Fig. 15).

Art Unit: 2617

Regarding **claim 52**, Tognazzini discloses the method as claimed in claim 51, further comprising selecting at least one of the stations based on said information (see col. 13, lines 12-42; col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-24; col. 6, line 34 - col. 17, line 28; Figs. 10 and 12).

Regarding **claim 54**, Tognazzini discloses the method as claimed in claim 48, further comprising attempting connections to the stations satisfying the location criteria randomly (see col. 13, lines 12-38).

Regarding **claim 55**, Tognazzini discloses an apparatus comprising:

a transmitter configured to transmit a request for a connection with one of a plurality of stations, the request comprising a location criteria to be satisfied by at least one of the stations (see col. 3, lines 6-13, 43-52; col. 11, lines 16-24; Figs. 5, 10, and 12);

a register configured to store location information for the stations (see col. 3, lines 36-42; col. 3, line 50 - col. 4, line 8; col. 4, lines 18-28; Fig. 10), where the cellular network (1000) keeps track of mobile stations within communication range; and

a selector configured to select at least one of the stations for the connection based on the location information stored in the register and the location criteria (see col. 13, lines 12-42; col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-24; col. 6, line 34 - col. 17, line 28; Figs. 10 and 12).

Regarding **claim 56**, Tognazzini discloses the apparatus as claimed in claim 55, wherein the apparatus is configured to attempt to initiate a connection with any of the stations (1020) satisfying the location criteria (see col. 11, lines 16-56; col. 3, lines 44-52).

Regarding **claim 57**, Tognazzini discloses the apparatus as claimed in claim 55, wherein the apparatus is configured to initiate a connection with a station satisfying the location criteria and falling in a predetermined group of stations (see col. 11, lines 16-56; col. 3, lines 44-52; col. 13, lines 12-22; Fig. 15).

Regarding **claim 58**, Tognazzini discloses the apparatus as claimed in claim 57, wherein a predefined location criteria is associated with the predetermined group (see col. 13, lines 12-22; Fig. 15).

Regarding **claim 59**, Tognazzini discloses the apparatus as claimed in claim 57, wherein the predetermined group has a predetermined identifier associated therewith (see col. 13, lines 12-22; col. 13, line 50 - col. 4, line 4; col. 16, lines 30-35; Fig. 15).

Regarding **claim 60**, Tognazzini discloses the apparatus as claimed in claim 57, wherein the predetermined group is defined by the user of the apparatus (see col. 7, lines 29-57).

Regarding **claim 61**, Tognazzini discloses the apparatus as claimed in claim 55, further comprising a determination unit (e.g., GPS) configured to determine which stations satisfy the location criteria (see col. 13, lines 4-7).

Regarding **claim 62**, Tognazzini discloses an apparatus comprising:  
transmitting means for transmitting a request for a connection with one of a plurality of stations, the request comprising a location criteria to be satisfied by at least one of the stations (see col. 3, lines 6-13, 43-52; col. 11, lines 16-24; Figs. 5, 10, and 12);

Art Unit: 2617

storing means for storing location information for the stations (see col. 3, lines 36-42; col. 3, line 50 - col. 4, line 8; col. 4, lines 18-28; Fig. 10), where the cellular network (1000) keeps track of mobile stations within communication range; and

selecting means for selecting at least one of the stations for the connection based on the location information stored in the register and the location criteria (see col. 13, lines 12-42; col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-24; col. 6, line 34 - col. 17, line 28; Figs. 10 and 12).

Regarding **claim 63**, Tognazzini discloses the method as claimed in claim 45, further comprising preventing a connection with the first station if the first station has made a connection request based on the location of the at least one second station (see col. 13, line 50 - col. 14, line 8).

Regarding **claim 64**, Tognazzini discloses the method as claimed in claim 45, further comprising permitting a connection only with predefined first stations if the first station has made a connection request based on the location of said at least one second station (see col. 13, lines 4-49).

Regarding **claim 65**, Tognazzini discloses the method as claimed in claim 45, further comprising transmitting a message, indicating that a first station wishes to make contact, to a second station satisfying the location criteria (see col. 10, lines 23-24; col. 13, lines 51-57).

Regarding **claim 66**, Tognazzini discloses the method as claimed in claim 65, wherein the second station receiving said message is configured to indicate if the call is to be accepted (see col. 13, line 57 - col. 14, line 8).



Art Unit: 2617

Regarding **claim 67**, Tognazzini discloses the method as claimed in claim 45, wherein said connection request comprises information identifying at least one second station (see col. 3, lines 50-52; col. 10, lines 47-51) and

wherein the method further comprises making a call between said first station and the identified at least one second station only if the location criteria is satisfied (see col. 3, line 53 - col. 4, line 8).

Regarding **claim 69**, Tognazzini discloses the method as claimed in claim 67, wherein the first station or at least one of said second stations is a cellular station (750) which reads on the claimed “mobile terminal” (see col. 8, lines 2-3; col. 9, lines 50-51).

Regarding **claim 70**, Tognazzini discloses the method as claimed in claim 45, wherein said first station or at least one of said second stations is a fixed terminal (see col. 9, lines 50-51).

Regarding **claim 71**, Tognazzini discloses a computer program, embodied on a computer-readable medium, the computer program configured to control a processor to perform a method (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10-12), the method comprising:

defining, at a first station (1010) of a telecommunication network (e.g., cellular system 1000), a location criteria to be satisfied by at least one second station (1020) (see col. 3, lines 36-42), where the cellular system (1000) establishes communication between a calling station (1010; originator) and called station (1020, 1030, 1040; recipient);

Art Unit: 2617

requesting (e.g., query) a connection with at least one second station satisfying said location criteria (see col. 3, lines 6-13; col. 11, lines 16-24; Figs. 10 and 12), where the calling station sends query to connect with a called station;

selecting at least one of said second stations for connection, when said connection request is received, based on stored location information and the location criteria in the received connection request (see col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-56; col. 13, lines 12-42; col. 6, line 34 - col. 17, line 28; Figs. 7 and 9-12), where a particular station can be selected by touching the icon on the screen that represents the particular station on a map display; and

establishing a connection between said first station and said at least one second station satisfying said location criteria (see col. 13, lines 13-42; Fig. 10-11).

Regarding **claim 72**, Tognazzini discloses a computer program, embodied on a computer-readable medium, the computer program configured to control a processor to perform a method (see col. 3, lines 6-9; col. 11, lines 16-24; Figs. 10-12), the method comprising:

transmitting a request for a connection with one of a plurality of stations, the request comprising a location criteria to be satisfied by at least one of the stations (see col. 3, lines 6-13, 43-52; col. 11, lines 16-24; Figs. 5, 10, and 12);

storing location information for the stations in a register (see col. 3, lines 36-42; col. 3, line 50 - col. 4, line 8; col. 4, lines 18-28; Fig. 10), where the cellular network (1000) keeps track of mobile stations within communication range; and

Art Unit: 2617

selecting at least one of the stations for the connection based on the location information stored in the register and the location criteria (see col. 13, lines 12-42; col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-24; col. 6, line 34 - col. 17, line 28; Figs. 10 and 12).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 53** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Tognazzini (EP 0810803 A2)** in view of **De Brito (US 6,529,735 B1)**.

Regarding **claim 53**, Tognazzini as applied to 48 discloses having a communication system (see col. 11, lines 16-24), where communication is provided between a calling station and a called station. As a note, Tognazzini teaches attempting connections according an order of closeness (see col. 13, lines 12-38), where the system selects a target station in the order of closeness. Tognazzini does not specifically disclose having the feature(s) defining an order in which connections to the stations satisfying the location criteria are to be attempted. However, the examiner maintains that the feature(s) defining an order in which connections to the stations satisfying the location criteria are to be attempted was well known in the art, as taught by De Brito.

Art Unit: 2617

In the same field of endeavor, De Brito discloses the feature(s) defining an order in which connections to the stations satisfying the location criteria are to be attempted (see col. 6, lines 50-65; Figs. 2A-B).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tognazzini and De Brito to have the feature(s) defining an order in which connections to the stations satisfying the location criteria are to be attempted, in order to provide establishment of communication between an originating party and a most suitable party in said group, as taught by De Brito (see col. 1, lines 57-59).

**Claim 53** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Tognazzini (EP 0810803 A2)** in view of **Nojima (US 5,933,080)**.

Regarding **claim 53**, Tognazzini as applied to 48 discloses having a communication system (see col. 11, lines 16-24), where communication is provided between a calling station and a called station. As a note, Tognazzini teaches attempting connections according an order of closeness (see col. 13, lines 12-38), where the system selects a target station in the order of closeness. Tognazzini does not specifically disclose having the feature(s) defining an order in which connections to the stations satisfying the location criteria are to be attempted. However, the examiner maintains that the feature(s) defining an order in which connections to the stations satisfying the location criteria are to be attempted was well known in the art, as taught by Nojima.

Art Unit: 2617

In the same field of endeavor, Nojima discloses the feature(s) defining an order in which connections to the stations satisfying the location criteria are to be attempted (see col. 3, lines 37-42; col. 4, lines 15-31; Fig. 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tognazzini and Nojima to have the feature(s) defining an order in which connections to the stations satisfying the location criteria are to be attempted, in order to provide an emergency calling system which can make an appropriate emergency call, as taught by Nojima (see col. 1, lines 57-59).

**Claim 68** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Tognazzini (EP 0810803 A2)** in view of **Tayloe (US 5,809,418)**.

Regarding **claim 68**, Tognazzini as applied to 67 discloses having a communication system (see col. 11, lines 16-24; col. 14, line 28 - col. 15, line 2), where communication is provided between a calling station and a called station in which a call is initiated but the called station does not respond. Tognazzini does not specifically disclose having the feature(s) wherein if the second station does not satisfy the location criteria at the time the connection request is made, the call is made at a subsequent time when the second station satisfies the location criteria. However, the examiner maintains that the feature(s) wherein if the second station does not satisfy the location criteria at the time the connection request is made, the call is made at a subsequent time when the second station satisfies the location criteria was well known in the art, as taught by Nojima.

Art Unit: 2617

In the same field of endeavor, Nojima discloses the feature(s) wherein if the second station does not satisfy the location criteria at the time the connection request is made, the call is made at a subsequent time when the second station satisfies the location criteria (see col. 2, lines 41-51; Figs. 3-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Tognazzini and Nojima to have the feature(s) wherein if the second station does not satisfy the location criteria at the time the connection request is made, the call is made at a subsequent time when the second station satisfies the location criteria, in order to provide a high likelihood of establishing a call, as taught by (see col. 2, lines 42-43).

### ***Response to Arguments***

7. Applicant's arguments with respect to claims 71-72 have been considered but are moot in view of the new ground(s) of rejection necessitated by the new claims.

In response to applicant's arguments, the Examiner respectfully disagrees as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations).

8. Applicant's arguments filed 24 July 2008 have been fully considered but they are not persuasive.

Art Unit: 2617

The Examiner respectfully disagrees with applicant's arguments as the applied reference(s) provide more than adequate support and to further clarify (see the above claims for relevant citations and comments in this section).

9. Regarding applicant's argument of claim 24 in the par. bridging pgs. 14-15, "...wherein the first station is configured to request a connection with at least one of said plurality of second stations, said connection request comprising a location criteria to be satisfied by at least one second station...", the Examiner respectfully disagrees. Applicant has failed to appreciate the teachings of well-known prior art Neubauer that clearly discloses the claimed feature(s) as would be clearly recognized by one of ordinary skill in the art. In particular, Neubauer discloses the language as related to the claimed feature(s) wherein the first station (SA, SA') is configured to request a connection with at least one of said plurality of second stations (SB), said connection request comprising a location criteria to be satisfied by at least one second station (SB) (see col. 5, lines 53-58; col. 9, lines 59-62; col. 6, lines 24-31; col. 7, lines 7-11; col. 8, lines 6-23), where calling subscriber is connected with a mobile target subscriber (see col. 5, lines 5-11). Therefore, as addressed above, the applied reference more than adequately meets the claim limitations.

10. Regarding applicant's argument of claim 24 in the par. bridging pgs. 16-17, "...the telecommunication network comprises at least one store configured to store location information for at least some of said second stations and a selector configured to select at least one of the second stations for connection when said connection request is received in dependence on the location information stored in the store and the location criteria in the received connection request...", the Examiner respectfully disagrees. Applicant has failed to

Art Unit: 2617

appreciate the teachings of well-known prior art Tognazzini that clearly discloses the claimed feature(s) as would be clearly recognized by one of ordinary skill in the art. In particular, Tognazzini discloses the language as related to the claimed feature(s) wherein the telecommunication network (1000) comprises at least one store (e.g., database) configured to store location information for at least some of said second stations (see col. 3, lines 36-42; col. 3, line 50 - col. 4, line 8; Fig. 10), where the cellular network (1000) keeps track of mobile stations within communication range, and

a selector configured to select at least one of the second stations (1020) for connection when said connection request is received in dependence on the location information stored in the store and the location criteria in the received connection request (see col. 13, lines 12-42; col. 3, lines 6-13, 36-42; col. 3, line 50 - col. 4, line 8; col. 11, lines 16-24; col. 6, line 34 - col. 17, line 28; Figs. 10 and 12). Therefore, as addressed above, the applied reference more than adequately meets the claim limitations.

11. Regarding applicant's argument(s) of claims 45 and 47-70, the claims are addressed for the same reasons as set forth above and as applied above in each claim rejection.
12. The Examiner requests applicant to provide support for any further amended claim language.

### *Conclusion*

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



Art Unit: 2617

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIE J. DANIEL JR whose telephone number is (571)272-7907. The examiner can normally be reached on 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on (571) 272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on

Art Unit: 2617

access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/WJD,Jr/

WJD,Jr  
12 November 2008

/Charles N. Appiah/  
Supervisory Patent Examiner, Art Unit 2617